



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 28 2014

via UPS

David Butler, Director
Global Engineering and Facilities
Micron Technologies, Inc.
333 Phoenixville Pike
Malvern, PA 19355

Re: Request for Information Pursuant to Section 3007(a) of the Resource
Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and
Management of Hazardous Waste by Micron Technologies, Inc.
EPA ID No. PAR000520528
Reference Number: C14-021

Dear Mr. Butler:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Micron Technologies, Inc. facility ("Micron" or "the facility") located in Malvern, PA on July 15, 2014 (report narrative and photographic log enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each

answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or 25 Pa. Code Chapters 260a-266a, 266b, and 268a (effective May 1, 1999) shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. In the Warehouse a small cardboard box was found labeled as containing "Decon-Spore 200 Plus," along with the words "EXPIRED FEB - 2014 DO NOT USE!!" (see Photographs 6 & 11 in enclosed inspection report). Regarding this container, please provide the following:
 - a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.

- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
2. In the Solvent Storage shed one 55gal drum labeled as Hazardous Waste (HW) did not appear to be marked with an accumulation start date (Photos 12 & 14). Regarding this container, please provide the following:
- a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.

- h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

3. Several waste containers with open caps or lids were found in two lab rooms at the facility:

In the Particle Testing Lab Room 1114 --

- i) a 5gal container was found with tubing leading from a "Mastersizer" machine above it (Photos 29, 30, 32), and
- ii) another 5gal container was found, also connected by tubing to a particle test machine above it (Photos 33 & 34);

In the HPLC Lab Room 1108 --

- iii) a 5gal container was found with tubing leading from two HPLC machines above it (Photos 36 & 37),
- iv) another plastic container found with tubing leading from one HPLC machine above it (Photo 38),
- v) another similar container with tubing leading from two machines above it (Photo 39), and
- vi) an open tray described as containing spent sample bottles (Photos 40 & 41).

Regarding **each** of these items numbered i-vi above, please provide the following information:

- a. A description of its source
- b. Its date of generation
- c. State whether a "waste determination" and "Land Disposal Restriction (LDR) determination" has been made for the container contents
- d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
- e. If the contents have been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If they have been determined not to be hazardous waste, explain the reasons for such determination.
- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge,

describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

g. Please state if the container has been shipped off-site and the date of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.

h. If the container was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

4. In the Utility Lab Room 1110-B five 30gal plastic containers found, all labeled as HW (Photos 42-48). Regarding **each** of these drums, please provide the following information:

a. A description of its source

b. Its date(s) of generation

c. State whether a "waste determination" and "LDR determination" has been made for the material

d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)

e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.

f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.

h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and

LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

5. At the time of the inspection the facility's RCRA Contingency Plan, titled "Site EHS Procedure," did not appear to list any specific employee(s) for the role of Emergency Coordinator(s). The facility subsequently submitted a phone list which includes two personnel as "On 24 hour emergency contacts:" Tom McCormick and Dave Butler.
 - a. Were these two employees intended to fill the role of RCRA Emergency Coordinators?
 - b. If not, has the facility designated any employee(s) to be Emergency Coordinator(s)? If it has, please state the employee(s) designated and the date the designation was made.
 - c. If the facility has since updated its "Site EHS Procedure" regarding this change, please also state the date that was accomplished.
 - d. Lastly, has the facility shared a copy of its "Site EHS Procedure" with local authorities, as described in 40 C.F.R. § 265.53(b)? If so, please state the date(s) the plan was shared, which local authorities it was shared with, and provide any associated documentation.
6. Regarding RCRA training, it was stated at the time of the inspection that two employees were responsible for managing HW at the facility: Raymond Natale and Trevor Lam. It was also observed that Colin Hines had signed manifests as recently as 2013. In addition, if the facility has designated Tom McCormick and Dave Butler as Emergency Coordinators (see Question #5 above), they would be expected to need RCRA training as well. After review of documents provided during the inspection and a subsequent email, it appears that the following employees received RCRA-specific training for the following years: Mr. Natale in 2010, Mr. Lam in 2009 and 2012, and Mr. Hines in 2010 and 2012. From the period of 2009 to 2014, has the facility provided annual RCRA refresher training for each of the five employees mentioned above? If so, please provide documentation of such training for each year and each employee.
7. Although the facility had reported as a RCRA Large Quantity Generator for the last two Biennial Report periods, it was unclear whether or not that was still the facility's current status. Please provide a recorded or estimated monthly HW generation rate for each month within the period of August 2009 through August 2014. If estimated, please provide any documentation/analysis used to arrive at the estimated monthly rate(s).

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information

you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the signed and dated certification found on the final page of this letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. ' ' 3501-3520.

Please send your response to:

Martin Matlin (3WP50)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,

A handwritten signature in cursive script that reads "Carol Amend".

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: Martin Matlin (3WP50) w/o enc.
Terri DiFiore (3LC70)